

Attorney Docket No.: FMCE-P064

Remarks

Reconsideration of the above-identified application is respectfully requested.

Claims 1, 3, 6-8, 10 and 13 stand rejected under 35 U.S.C. 102(e) as being anticipated by Hopper et al. (U.S. Patent No. 6,431,285). Claim 1 has accordingly been amended to more clearly distinguish applicant's invention from this patent.

With respect to claim 1, Hopper does not disclose a tree having a first production outlet extending from the production bore and second and third production outlets extending from the first production outlet, *wherein during the normal production mode of operation fluid flowing through the first production outlet is produced through any one of the second and third production outlets or through both of the second and third production outlets simultaneously.*

Applicant maintains that the outlet in Figure 3A of Hopper which the Examiner labeled "First Outlet" is a crossover line. Furthermore, Hopper does not teach that fluids may be produced *simultaneously* through both the crossover line and the production outlet (i.e., the outlet in Figure 3A of Hopper which the Examiner labeled "Second Outlet") during the production mode of operation. Also, although DeBerry (U.S. Published Patent Application No. 2003/0006042 A1) shows that fluids may be produced through a crossover line 84 during the "Production Crossover Flow" mode of operation, DeBerry does not teach that fluids may be produced *simultaneously* through both the production outlet 86 and the crossover line 84 during this mode of operation (see Figure A6). Moreover,

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in the normal production mode of operation, DeBerry teaches that the crossover line 84 is isolated from the production line 86 by a crossover valve 42 (see Figure A4). Furthermore, none of the other references relied upon by the Examiner teach that fluids may be produced through a crossover line during the production mode of operation.

Therefore, Hopper does not anticipate claim 1. Furthermore, since claims 3, 6 and 7 depend from claim 1, Hopper also does not anticipate these claims.

With respect to claim 8, Hopper does not disclose a horizontal tree having a vertical production bore and multiple production outlets which are each connected to the production bore. As discussed above, Hopper's tree 24 comprises only one production outlet connected to the vertical production bore. Hopper does not teach that any other outlet, including the crossover line, is capable of functioning as a production outlet.

Therefore, Hopper does not anticipate claim 8. Furthermore, since claims 10 and 13 depend from claim 8, Hopper also does not anticipate these claims.

Claims 8, 10 and 13 stand rejected under 35 U.S.C. 102(b) as being anticipated by Weston (U.S. Patent No. 4,703,807). The Examiner asserts that Figure 10 of this patent discloses a horizontal tree which comprises two production outlets 310, 312. Applicant, however, maintains that this tree is not a "horizontal tree", as that term is defined in the specification and understood by persons of ordinary skill in the art.

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Contrary to the Examiner's assertion, applicant's specification defines a horizontal tree as a tree in which a tubing hanger is supported. In describing the prior art horizontal tree of Figure 1, applicant states as follows:

Annular seals 14, 16 surround the vertical bore 10 above and below the production outlet 12, to seal a tubing hanger (not shown) in the vertical bore 10, as is conventional (emphasis added). (Page 2, lines 19-21).

Although this passage describes a prior art horizontal tree, it also applies to applicant's inventive horizontal tree shown in Figure 2. In this regard, the description identifies the tree of Figure 2 as a "dual production horizontal tree" (page 2, lines 14-15). In addition, as with the tree of Figure 1, the tree of Figure 2 includes the annular seals 14, 16 surrounding the vertical bore 10. Also, the description specifically states that the tree of Figure 2 is similar to that of Figure 1, except that the horizontal outlet 12 from the production bore is split into two separate outlets 20, 22 (page 3, lines 1-3). Thus, applicant's specification clearly defines the term "horizontal tree" as a tree in which a tubing hanger is supported.

Furthermore, persons of ordinary skill in the art also understand that a horizontal tree is a tree in which the tubing hanger is supported. As stated most concisely in U.S. Patent No. 6,302,212, which applicant submitted with his Amendment dated February 11, 2004:

In a horizontal tree, the tubing hanger lands in the tree, not in the wellhead housing located below the tree. (Column 1, lines 36-38).

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The DeBerry patent cited by the Examiner also supports this definition. As stated beginning on line 7 of paragraph 7:

The tree assembly includes a spool body for positioning below the BOP and defining a spool body central bore for receiving a tubing hanger. The spool body has a lateral production passageway extending laterally from the central bore to a production valve, i.e., a horizontal tree. *The tubing hanger is sealed to the spool body and adapted for supporting the production tubing string therefrom* (emphasis added).

Therefore, the applicant's evidence clearly supports his contention that the industry accepted definition of horizontal tree is a tree in which a tubing hanger is supported.

Applying this commonly accepted definition, Weston clearly does not disclose a horizontal tree. In the embodiment shown in Figure 10 of Weston, the housing 11 of the valve 10 may be considered a tree, but the tubing hanger 4 is not installed in this housing. Rather, the tubing hanger 4 is installed a tubing head 5 which is located below the housing 11. Therefore, the housing 11 is not a horizontal tree.

Therefore, Weston does not anticipate claim 8. Furthermore, since claims 10 and 13 depend from claim 8, Weston also does not anticipate these claims.

Claims 8, 10 and 13 stand rejected under 35 U.S.C. 102(b) as being anticipated by Hynes et al. (U.S. Patent No. 4,513,823). However, as with Weston, Hynes does not disclose a horizontal tree. Although the housing 12 of the valve 10 shown in Figure 8 may be considered a tree, the tubing hanger 38 is

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not supported in this housing. Rather, the tubing hanger 38 is supported in a wellhead 14 which is located below the housing 12. Therefore, the housing 12 cannot be considered a horizontal tree.

Therefore, Hynes does not anticipate claim 8. Furthermore, since claims 10 and 13 depend from claim 8, Hynes also does not anticipate these claims.

Regarding the Examiner's contention that applicant's definition of horizontal tree is wrong because Weston and Hynes employ a different definition, applicant maintains that both of these patents are incorrect. It is worth noting that Weston is a divisional of Hynes. Consequently, these patents may have been drafted by the same attorney (see the Attorney, Agent or Firm information for both patents). Also, the drafter of these patents may have intended to refer to the assemblies appearing in Figure 10 of Weston and Figure 8 of Hynes as "horizontal plane trees", since this would be consistent with the terminology appearing in column 1, lines 26-29 of Weston and column 1, lines 22-25 of Hynes. Thus, rather than supporting the Examiner's definition of horizontal tree, Weston and Hynes more likely just reflect one attorney's misunderstanding of the art.

Claims 2, 4, 5, 9, 11 and 12 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Hopper alone. However, claims 2, 4 and 5 depend from claim 1 and claims 9, 11 and 12 depend from claim 8. Therefore, to the extent that this rejection is based on the Examiner's belief that claims 1 and 8 are anticipated by Hopper, claims 2, 4, 5, 9, 11 and 12 are patentable over this reference for the reasons stated above with respect to claims 1 and 8.

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Claims 2, 4, 5, 9, 11 and 12 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Weston alone. However, claims 2, 4 and 5 depend from claim 1, and Weston clearly does not disclose a tree having a production outlet that includes a first end which is connected to the production bore and a second end from which multiple production outlets extend, as is required by claim 1. Therefore, claims 2, 4 and 5 are patentable over Weston under 35 U.S.C. 103(a).

Also, claims 9, 11 and 12 depend from claim 8. Therefore, to the extent that this rejection is based on the Examiner's belief that claim 8 is anticipated by Weston, claims 9, 11 and 12 are patentable over Weston for the reasons stated above with respect to claim 8.

Claims 2, 4, 5, 9, 11 and 12 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Hynes alone. However, claims 2, 4 and 5 depend from claim 1, and Hynes clearly does not disclose a tree having a production outlet that includes a first end which is connected to the production bore and a second end from which multiple production outlets extend, as is required by claim 1. Therefore, claims 2, 4 and 5 are patentable over Hynes under 35 U.S.C. 103(a).

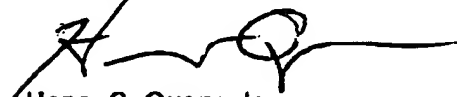
Also, claims 9, 11 and 12 depend from claim 8. Therefore, to the extent that this rejection is based on the Examiner's belief that claim 8 is anticipated by Hynes, claims 9, 11 and 12 are patentable over Hynes for the reasons stated above with respect to claim 8.

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- In light of the foregoing, claims 1, 2 and 4-13 are submitted as allowable.

Favorable action is solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'H. Query, Jr.', with a long horizontal line extending to the right.

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